

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOMINIC M. FRANZA,

Plaintiff,

-against-

TINA M. STANFORD, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 18-CV-10892-KMK  
DATE FILED: 12/11/19  
18 CIVIL 10892 (KMK)

**JUDGMENT**

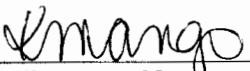
It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated December 11, 2019, Defendants' Motion is granted. Because this dismissal is based on legal conclusions concerning the applicability of absolute immunity and the absence of "clearly established law," the Court concludes that amendment would be futile. See Bogart v. City of New York, No. 13-CV-1017, 2015 WL 5036963, at \*8 (S.D.N.Y. Aug. 26, 2015)(denying leave to amend, for futility, because the defendants did not "def[y] clearly established law"); Karris v. Varulo, No. 14-CV-1077, 2014 WL 1414483, at \*4 (E.D.N.Y. Apr. 10, 2014) ("[A]ny amendment to [the] plaintiffs amended complaint would be futile because, *inter alia*, all defendants are entitled to absolute immunity... (italics omitted)); Dilacio v. N.Y.C. Dist. Council of the United Bhd. of Carpenters & Joiners of Am., 593 F. Supp. 2d 571, 578 (S.D.N.Y. 2008) (denying leave to replead, for futility, because defendant was "absolutely immune" from suit). Accordingly, and because Plaintiff has already amended his Complaint twice, dismissal is with prejudice. See Jin v. Metro. Life Ins. Co., 310 F.3d 84, 101 (2d Cir. 2002) ("[T]he district court has the discretion to deny leave [to amend] if there is a good reason for it, such as futility..." (citing Foman v. Davis, 371 U.S. 178, 182 (1962)); see also Knife Rights, Inc. v. Vance, 802 F.3d 377, 389 (2d Cir. 2015) ("[A] party may amend its pleadings more than once 'only with the opposing party's written consent or the courts leave.'" (quoting Fed. R. Civ. P. 15(a)(2))); accordingly, the case is closed.

**Dated:** New York, New York  
December 11, 2019

**RUBY J. KRAJICK**

**Clerk of Court**

**BY:**

  
**Deputy Clerk**